

REMARKS

This Amendment is responsive to the Office Action mailed July 18, 2007. The undersigned thanks the Exr. for recognizing that the IDS of August 18, 2001, was timely and properly submitted. The undersigned respectfully requests that the Examiner return an initialed copy of the IDS, indicating that all references listed therein have been considered.

Rejections Under 35 U.S.C. §112(2)

Claim 1 was rejected under 35 U.S.C. §112(2) as being indefinite. Reconsideration and withdrawal of this rejection is respectfully requested.

As the Examiner will note, claim 1 has been amended to include an input multiplexer coupled to the input and an output multiplexer coupled to the output. Thereafter, the amended claim recites that the first digital bus is “uninterrupted between the input and the output multiplexers”, which is definite, proper, in accordance with the common definition of the term and with the figures. Reconsideration and withdrawal of the 35 U.S.C. §112(2) rejections are, therefore, respectfully requested.

Rejections Under 35 U.S.C. §102(e)

Claims 1-6, 8-17, 25-26, 37 and 38 were rejected under 35 U.S.C. §102(e) as being anticipated by Safadi et al. (hereinafter “Safadi”). Reconsideration and withdrawal of these rejections are respectfully requested.

Safadi does not teach claim 1, as amended:

an input, the input being configured to accept a plurality of input streams;
an input multiplexer coupled to the input;

an output, the output being configured to selectively output a plurality of output streams;
an output multiplexer coupled to the output;
a first digital bus coupled between the input and output multiplexers, the first digital bus being uninterrupted between the input and the output multiplexers such that a digital signal presented at the input multiplexer is carried unchanged over the first digital bus to the output multiplexer;

On page 2, lines 3-4 of the outstanding Final Office Action, the Examiner points to Safadi and states: “an input (202, 203), the input being configured to accept a plurality of input streams; an output (105-109, 119), the output being configured to a plurality of output streams; a first digital bus coupled between the input and output, the first digital bus being uninterrupted between the input and output” and points to Safadi’s system bus 112 as corresponding to the claimed first digital bus. At the outset, there is a question of reasonableness: 202 is not an input, it is the “Primary Tuner”, 203 is also not an input, it is the “Secondary Tuner”, and both are labeled as such. The Examiner, therefore, it not at liberty to arbitrarily point to a structure that is clearly not an input and call it an input for the purpose of fitting the applied reference into a 102 rejection.

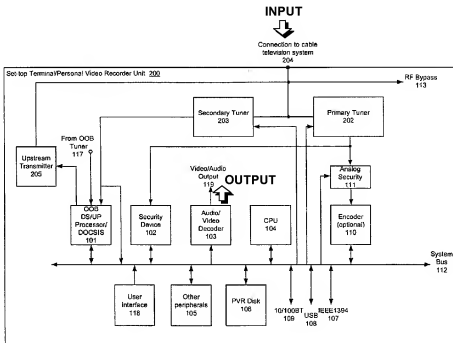
Safadi teaches a PVR. The input to the PVR is the “Connection to cable television system 204”, which is where the PVR obtains its input (e.g., television, Internet, etc. input signals). Moreover, “105-109” are most certainly NOT outputs of the PVR: they are “Other Peripherals” (such as a printer – see paragraph [0057] or a microphone (can never be an output): “To accommodate multimedia e-mail, the recorder of the present invention may have a connection for a microphone or a built-in microphone (105) for inputting audio to be included in a multimedia e-mail file” - see paragraph [0062]), the PVR’s disk drive 106, an IEEE 1394 connection 107, a USB connection 108 and an Ethernet connection 109. These are not the output

of the PVR and, it is respectfully submitted, the Office is not at liberty to arbitrarily call something an output when it is clearly not.

Instead, the output of Safadi's PVR is clearly marked in Safadi's Fig. 1:



Indeed, kindly note Safadi's Fig. 1, reproduced below for the Examiner's convenience and labeled to show the PVR's input and output:



As may be plainly seen, Safadi does not teach or suggest any

...first digital bus coupled between the input and output multiplexers, the first digital bus being uninterrupted between the input and the output multiplexers such that a digital signal presented at the input multiplexer is carried unchanged over the first digital bus to the output multiplexer

Indeed, Safadi does not show a digital bus that is uninterrupted between input and output multiplexers, as: 1) Safadi does not show any multiplexers; and 2) the Audio / Video Decoder 103 is interposed between the input 204 and the output 119. Therefore, Safadi et al. cannot anticipate the pending claims.

The Office's own standards for anticipation under §102 of the patent statute, as set forth in the MPEP, are set forth below:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

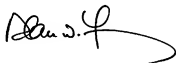
A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsisimilis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. § 102 rejection. See MPEP § 2131.01.

Anticipation, therefore, can only be established only if each and every element recited in the claims is found in the applied reference. Therefore, unless Safadi teaches an interactive TV system that includes "a first digital bus coupled between the input and output multiplexers, the first digital bus being uninterrupted between the input and the output multiplexers such that a digital signal presented at the input multiplexer is carried unchanged over the first digital bus to the output multiplexer" as claimed, the §102(c) rejections must be withdrawn. The same is, therefore, respectfully requested.

As amended claim 1 has been distinguished from Safadi and the anticipation rejection overcome, it is respectfully submitted that this application is in condition for allowance.

If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,



Date: October 11, 2007

By: _____

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